The Builder.

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THE Report by Messrs. John Mellor and Joseph Gwilt, to Lord Seymour, as Chief Commissioner of Woods, "on the subject of the course of proceedings adopted in the Metropolitan Buildings Office," does not contain much that will be new to our readers on that special point, as they have been long aware of the dissensions which have unfortunately prevailed there between the official referees and registrar, to the scandal of the office and the injury of the public. The paper is dated December 14, 1850, and consists of seven pages: the reporters set forth at starting that they have availed themselves "of the opinion of Mr. Tite, upon some *unimportant* particulars" (a rather curious expression). Mr. White, too, seems to have been consulted. They express early their opinion of the differences which have arisen in the office thus:—

"We are satisfied that serious as are the defects in the constitution and the distribution of the functions of the official referees and the registrar, they have been aggravated by a struggle for authority on the part of the registrar, and a consequent jealousy on the part of the official referees, very prejudicial to the interest of the public.*

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We see no reason to suppose that the registrar has been influenced by any other than a conscientious desire to discharge his duty, even when he has, in our opinion, exceeded the limit of his authority, although his frequent interference with the function of the official referees may not unnaturally have given rise to their misconceptions respecting him."

It seems that, from the passing of the 7 & 8 Victoria, c. 84 (The Buildings Act), to the passing of 9 Victoria, c. 5, to amend it, the registrar, although differences arose, did not refuse to affix his seal to any document which required it. Difficulties were experienced in the working of the first Act, and part of the purpose of the second was to distinguish the duties of the registrar from those of the referees. The Act proceeds accordingly, in the second section, to provide that all acts, matters, and things, formerly permitted to be done by the official referees, or by one of them, with the assent of the registrar, might be done by the official referees; and that the acts, certificates, and awards of any two of them should be as valid as if done by all, and that the assent of the registrar should not be required to give effect to them.

The referees, upon this, considered that it was the duty of the registrar to seal all such documents as appeared on the face of them not to be contrary to law, nor defective in any of the requisite forms, nor beyond their competence, and that he was not authorised to interfere with their conduct of the business, nor to inquire into the technical regularity of their proceedings, when acting within the scope of their jurisdiction, nor to question the propriety of any decision at which they had arrived, whether upon a matter of fact merely, or upon questions of law and fact.

* This blank is in the original.

The registrar, however, thought differently, and then began the struggle, concerning which we need not say more now. The opinion of Messrs. Mellor and Gwilt upon it is thus set forth:—

"The registrar has supported his opinion as to the extent and nature of his functions, and has endeavoured to justify his practice by reasons of considerable weight and ingenuity, and by statements as to irregularities in the conduct of business, which he alleges that he has witnessed, as well as by the decisions of the Commissioners in certain cases, in which his reasons have been submitted to them, and his refusal to affix the seal approved; but we are bound to state, that upon the best consideration of the Acts of Parliament, and of the expressed opinions of the Commissioners in such of the cases as have been specifically brought under our notice, we are unable to agree with the registrar, that his general exercise of authority has been confined within the true limits prescribed by the Acts of Parliament."

They then proceed to point out other objections to the present mode of proceeding. They, with justice, consider the manner of appeal to the Commissioners of Works very objectionable: the forms in use are cumbrous: difficulty is found in inducing the magistrates to enforce the awards; and they point out that there are no efficient means for the supervision and control of the district surveyors. As to the latter they say:—

"Legislative interference is imperatively required to check attempts made by certain of the district surveyors to exact accumulated fees under the most flimsy pretexts."

They then submit the amendments in the law which the inquiry has suggested to them, premising that expedition, simplicity, and uniformity appear to be the principal objects to be kept in view. The suggested amendments have been mainly adopted, in the new Bill, with which our readers are already acquainted, and include the legal judge, dominant. The power given in the Bill to the Office of Works to dismiss at pleasure any district surveyor, and *to consolidate districts*, is founded on a recommendation that every opportunity of a vacancy should be made available for diminishing the number of the district surveyors, and re-arranging and equalising, as far as practicable, their districts, until they are *reduced to twelve*; and that provision should be made to enable the Secretary of State to determine whether or not any vacancy which may occur should be filled up, or whether permanently or provisionally, or whether the vacant district might not be partitioned and assigned to other districts.

The desirability of diminishing the number of district surveyors has often been forced upon us by consideration of the enormous cost to the public of the present system,—say 30,000*l.* a-year. Ten or twelve qualified officers, at say 600*l.* a year each, devoting their whole time to the duties of the appointment, might carry out the Act efficiently.

Since our last, several bodies have expressed their opinions on the Bill, and, so far as we are informed, have mainly adopted our view. The Master Carpenters' Society, for example, have addressed a memorial to Lord Seymour, wherein they say that as it is impossible to define, in any Act of Parliament, one-half of the practical points which must of necessity arise in a Bill of this character, it is desirable that those questions should be decided by practical professional architects, disentangled from law quibbles as much as possible; and they suggest that a court of three architectural referees, sitting in open court, and with power to decide all questions at once, without the technicalities and delay of sealed awards, with an able solicitor to assist them on points of law when requested by them to do so!, would work better for the public interest than the proposed wholly legal court. They entertain great dread and apprehension of being subjected, in the various questions on construction which go before the court, to all the technicalities which gentlemen of the legal profession confessedly throw around all business which comes before them. They also suggest that, instead of *one* architectural referee, there should be power of appeal, in case of differences arising between the architectural referee and the architect engaged, to *two consulting referees*, and the opinion of the majority of the three to be decisive.

To clause 29, p. 14, whereby the principal, if he cannot attend, is thrown, per force, into the hands of lawyers, with all the attendant expenses and technicalities, they, of course, strongly object, as we did; and they urge that a small increase, of half a square, upon second and third-rate buildings, would be a boon to the public, without any prejudicial effects.

Attached buildings (not to be included in calculating the area of the main building) they suggest should be permitted to have the ceiling up to the *one-pair floor* of the main building, instead of the ground story. The present permissive height they consider practically of little benefit, these attached buildings being chiefly needed for dressing-rooms, and water-closets of bed-room stories.

They also suggest that the eaves of roofs which have a corbel of incombustible material a certain distance from the centre of the wall, separating adjoining houses, might be erected of wood, or cemented, as has been the custom for many years, instead of the same materials as are required by the Act for the walls. Power is given to the district surveyor to say what other materials are proper and sufficient, but this would lead to great diversity of practice.

To No. 9, schedule D, which provides that no timber or wood-work may be placed within two inches from the face of brickwork, where the substance of such brickwork about any chimney or flue is less than 9½ inches thick, they object that this would practically reduce the size of all rooms having flues in party-walls, of the smaller rates of buildings, two inches, because flooring, bracketting, and lathing, being invariably of wood, it follows that the room must be reduced to that extent by the prohibition, and they suggest that the rule might with safety be relaxed to flues exceeding eight feet from the fire-place to which they belong.

Some of the district surveyors are less pleased with the additional power proposed to be conferred upon them than others. One writes to us as follows:—

"I propose to make one or two remarks with respect to the position of the district surveyor under the proposed new Bill, and in doing so must state that I am quite unable to accept the Bill with those feelings of unmixed satisfaction expressed by many district surveyors, because,

1. Duties of a very responsible and onerous character are sought to be imposed upon the district surveyor.

2. The surveyor is liable, and will be exposed in consequence, to all kinds of litigious

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